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Total Number of Pages in This Submission

27

Application Number

09/488,578

Filing Date

January 21, 2000

First Named Inventor

Robert J. Snyder et al.

Art Unit

2173

Examiner Name

Ba Huynh

Attorney Docket Number

PU040186 CIP

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD☐

After Allowance Communication to TC

☒Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☐Other Enclosure(s) (please identify
below):

Remarks

APPLICANTS RESUBMIT THE ENCLOSED APPEAL BRIEF. PAGES 25 AND 26 WERE
INADVERTENTLY OMITTED FROM THE ORIGINAL SUBMISSION.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Thomson Licensing Inc.

Signature

Printed name

Robert B. Levy

Date

9/16/05

Reg. No.

28,234

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9/16/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

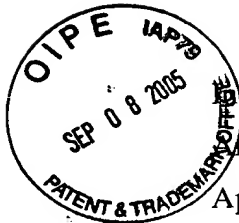
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Customer Number 24498
Serial No. 09/488,578

Docket No. PU040186CIP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences



Re application of **Robert J. Snyder et al.**

Customer Number 24498

Art Unit: 2173

Examiner: Ba Huynh,

Application No.: 09/488,578

Filed: January 21, 2000

For: System and Method for Real Time
Video Production and Distribution

BRIEF ON APPEAL

Applicants hereby submit this Brief on Appeal following Applicants' Notice of Appeal from the Final Rejection of claims 1-35 made by Examiner Ba Hunyh in the Official action mailed June 7, 2005.

Applicants waive their right to an Oral Argument.

Please charge the \$500 large entity fee for filing this Brief to Deposit Account **07⁰-832**.

Kindly charge any additional fee or credit any overcharge to the above-identified deposit account.

I. Real Party In Interest

The real party in interest is:

Thomson Licensing S.A.
46 Quai A. Le Gallo
F92100 Boulogne-Billancourt
France

II. Related Appeals

This is the first appeal filed in this application.


III. Status of the Claims

Claims 1-35 stand Finally Rejected in the above-identified application and applicants' appeal the rejection of claims 1-35. A copy of the claims appears in the attached appendix.

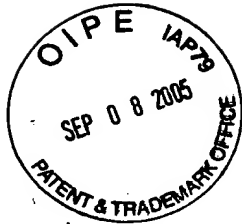
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IV. Status of the Amendments

Listed below is the transaction history, as copied from the United States Patent and Trademark Office PAIR website, for U.S. Patent Application Serial No. 09/488,578. The only Amendment after Final Rejection filed in this application was mailed August 26, 2004 but was not entered. All other amendments have been entered, including applicants' most recent non-final response mailed March 9, 2005.



Date	Contents Description
06-07-2005	Mail Final Rejection (PTOL - 326)
06-02-2005	Final Rejection
03-29-2005	Date Forwarded to Examiner
03-11-2005	Response after Non-Final Action
02-14-2005	Mail Non-Final Rejection
02-11-2005	Non-Final Rejection
12-18-2004	Date Forwarded to Examiner
10-25-2004	Request for Continued Examination (RCE)
12-18-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
10-25-2004	Request for Extension of Time - Granted
12-01-2004	Correspondence Address Change
10-25-2004	Workflow incoming amendment IFW
10-25-2004	Workflow - Request for RCE - Begin
09-29-2004	Mail Advisory Action (PTOL - 303)
09-28-2004	Advisory Action (PTOL-303)
09-23-2004	IFW TSS Processing by Tech Center Complete
06-30-2000	Corrected filing receipt
12-11-2003	Information Disclosure Statement (IDS) Filed
09-22-2004	Date Forwarded to Examiner



08-03-2004	Amendment after Final Rejection
08-30-2004	Workflow incoming amendment IFW
07-14-2004	Case Docketed to Examiner in GAU
06-15-2004	Mail Final Rejection (PTOL - 326)
06-10-2004	Final Rejection
04-06-2004	Date Forwarded to Examiner
03-23-2004	Response after Non-Final Action
03-02-2004	Electronic Information Disclosure Statement
12-15-2003	Electronic Information Disclosure Statement
12-23-2003	Mail Non-Final Rejection
12-15-2003	Non-Final Rejection
11-04-2003	Date Forwarded to Examiner
11-04-2003	Date Forwarded to Examiner
08-29-2003	Request for Continued Examination (RCE)
11-04-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
08-29-2003	Request for Extension of Time - Granted
09-03-2003	Mail Examiner Interview Summary (PTOL - 413)
08-28-2003	Examiner Interview Summary Record (PTOL - 413)
08-29-2003	Workflow - Request for RCE - Begin
03-04-2003	Mail Final Rejection (PTOL - 326)
02-24-2003	Final Rejection
12-19-2002	Date Forwarded to Examiner
12-10-2002	Response after Non-Final Action
12-10-2002	Oath or Declaration Filed (Including Supplemental)
12-10-2002	Request for Extension of Time - Granted
11-06-2002	Examiner Interview Summary Record (PTOL - 413)

06-20-2002	Mail Non-Final Rejection
06-17-2002	Non-Final Rejection
03-21-2002	Information Disclosure Statement (IDS) Filed
01-11-2002	Case Docketed to Examiner in GAU
03-09-2001	Information Disclosure Statement (IDS) Filed
01-30-2001	Case Docketed to Examiner in GAU
06-13-2000	Application Dispatched from OIPE
06-13-2000	Application Is Now Complete
04-06-2000	Notice Mailed--Application Incomplete--Filing Date Assigned
04-06-2000	Correspondence Address Change
02-24-2000	IFW Scan & PACR Auto Security Review
01-31-2000	Preexamination Location Change
01-31-2000	Initial Exam Team nn

V. Summary of the Claimed Subject Matter

Independent claim 1 recites a method for producing a live or live-to-tape show. The method comprises the steps of

(a) enabling creation of an instruction sequence for the show (page 15, line 25-27), wherein said instruction sequence defines at least one set of production commands (page 16, lines 9-11), said at least one set comprising at least one segment file which comprises a group of production commands that, when executed, operates to produce a segment of the show (page 36, lines 7-18), said at least one-segment file comprising at least one scripted portion that includes at least one command inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script (page 58, lines 27-30 and pages 59-63), and at least one non-scripted portions that include at least one commands activated independent of the script, said at least one segment having a duration which is defined by execution of said instruction sequence under the control of a human operator (page 10, lines 19-29); and

(b) executing said at least one set-of production commands to thereby produce the show (page 39, lines 26-30 and page 40, lines 1-3).

Claim 2 depends from claim 1 and further comprises the step of: (c) executing said at least one command to add a segment file to a show file prior to executing a first production command within the group of production commands corresponding to said at least one segment file (page 72, lines 16-30 and page 73, lines 1-5).

Claim 3 depends from claim 2 and recites the feature that a subsequent segment file is irreversibly appended to said show file prior to executing a first production command within the group of production commands corresponding to a preceding segment file. (page 73, lines 29-30 and page 74, lines 1-12)

Claim 4 depends from claim 3 and further recites the feature that the group of production commands corresponding to the subsequent segment file includes instructions for transitioning from the preceding show segment to the subsequent show segment. (page 74, lines 9-14)

Claim 5 depends from claim 2 and further recites the feature of executing at least one command to store said show file in a memory means. (Page 74, lines 13-17)

Claim 6 depends from claim 1 and further recites the features of:

(c) executing at least one command to record a show segment for subsequent playback; (page 68, lines 24-30) and

(d) executing at least one command to integrate a segment delimiter for a recorded segment with a segment file, said segment delimiter identifying said recorded segment. (page 69, lines 2-7)

Claim 7 depends from claim 6 and further recites the feature that the segment delimiter identifies a starting point of said recorded segment. (page 68, lines 3-5)

Claim 8 recites a method for producing a live or live-to-tape show, comprising the steps of:

(a) enabling creation of an instruction sequence for the show, wherein said instruction sequence defines at least one set of production commands, said at least one set of production commands comprising at least one or more segment file, which comprises a group

of production commands that, when executed, operates to produce a segment of the show (page 15, lines 25-27, page 16, lines 9-11, and page 36, lines 7-18), said at least one segment file comprising at least one scripted portion that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script (page 58, lines 27-30 and pages 59-63), and at least one non-scripted portion that includes commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator (page 10, lines 19-29);

(b) executing said at least one set of production commands to thereby produce the show; (page 39, lines 26-30, and page 40, lines 1-3)

(c) executing said at least one command to add a segment file to a show file prior to executing a first production command within the group of production commands corresponding to said segment file. (page 72, lines 16-30 and page 73, lines 1-5)

Claim 9 depends from claim 8 and further recites the feature that a subsequent segment file is irreversibly appended to said show file prior to executing a first production command within the group of production commands corresponding to a preceding segment file. (page 73, lines 29-30 and page 74, lines 1-12)

Claim 10 recites a system for producing a live or live-to-tape show, comprising:
a processing unit in communication with at least one production device; (processor 102, page 14, line 1,)

generating means (time sheet 299, page 37, lines 14-27) for enabling creation of an instruction sequence for the show, wherein said instruction sequence defines at least one set of production commands, comprising at least one segment file, which comprises a group of production commands that, when executed, operates to produce a segment of the show, (page 15, lines 25-27 and page 16, lines 9-11) wherein said at least one segment file comprises at least one scripted portions that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script page 58, lines 27-30 and pages 59-63), and at least one non-scripted portions that includes at least one commands activated independent of the script, wherein the duration of each segment is defined by execution of said instruction sequence under the control of a human operator (page 10, lines 19-29); and

executing means (timer 1002) for executing said at least one set of production commands to thereby produce the show (page 39, lines 26-30 and page 40, lines 1-3) .

Claim 11 depends from claim 10 and further recites the means for executing commands to add a segment file to a show file prior to executing a first production command within the group of production commands corresponding said segment file. (processor 102, page 72, lines 16-30 and page 73, lines 1-5).

Claim 12 depends from claim 11 and further recites means for executing commands to irreversibly append a subsequent segment file to said show file prior to executing a first production command within the group of production commands corresponding to a preceding segment file. (processor 102 and page 74, lines 1-12)

Claim 13 depends from claim 11 and further recites the feature of memory means for enabling storage of said show file. (memory 2506, secondary memory 2508, page 66, lines 8-16)

Claim 14 depends from claim 10 and further recites:

means for executing at least one command to record a show segment for subsequent playback; (RPD 128, page 68, lines 24-30) and

means for executing at least one commands to integrate a segment delimiter for a recorded segment with a segment file, wherein said segment delimiter identifies said recorded segment. (RPD 128, page 69, lines 2-7)

Claim 15 depends from claim 14 and further recites the feature that said segment delimiter identifies a starting point of said recorded segment. (page 69, lines 2-7)

Claim 16 recites a method for producing a live or live-to-tape show, comprising the steps of:

(a) receiving verbal instructions and converting said verbal instructions into signals to enable creation of an instruction sequence for the show (page 16, lines 1-9), wherein said instruction sequence defines at least one set of production commands, said at least one set of production commands comprising at least one segment file, comprising a group of production commands that, when executed, operates to produce a segment of the show (page

36, lines 17-18), each segment file comprising at least one scripted portions that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script (page 58, lines 27-30 and pages 59-63), and at least one non-scripted portions that includes commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator, (page 10 lines 19-29); and

(b) executing said at least set of production commands to thereby produce the show (page 39, lines 26-30 and page 40, lines 1-3).

Claim 17 recites a system for producing a live or live-to-tape show, comprising:

a processing unit in communication with at least one or more production devices;

(processor 102, page 14, line 1)

means (processor 102) for receiving verbal instructions and converting said verbal instructions into signals to instruct said processing unit to create an instruction sequence for the show (page 16, lines 1-9), wherein said instruction sequence defines at least one set of production commands, which comprises at least one segment file, comprising a group of production commands that, when executed, operates to produce a segment of the show, (page 37, lines 17-18) wherein said at least one segment file comprises at least one scripted portions that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, (page 58, lines 27-30 and pages 59-63) and at least one non-scripted portions that includes at least one commands activated independent of the script, wherein the duration of each segment is defined by execution of said instruction sequence under the control of a human operator (page 10, lines 19-29); and

executing means (timer 1002) for executing said at least one set of production commands to thereby produce the show (page 39, lines 26-30, page 40, lines 1-3)

Claim 18 recites a method for producing a live or live-to-tape show, comprising the steps of:

(a) creating an instruction sequence for the show to define at least one set of production commands (page 15, lines 25-27), said at least one sets of production commands comprising at least one segment file, which comprises a group of production commands that, when executed, operates to produce a segment of the show (page 16, lines 9-11), said at least one segment file comprising at least one scripted portions that includes commands inserted

within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script (page 58, lines 27-30 and pages 59-63), and at least one non-scripted portions that includes at least one commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator (page 10, lines 19-29);

(b) executing said at least one-set of production commands to thereby produce the show; (page 39, lines 26-30 and page 40, lines 1-3) and

(c) distributing at least one show segment over a computer network to a destination. (page 67, lines 22-28)

Claim 19 depends from claim 18 and further recites the feature of receiving, from said destination, a request to distribute said at least one show segment prior to executing step (c) (page 69, lines 8-11).

Claim 20 depends from claim 19 and further recites the feature of defining a set of commands corresponding to said at least one segment that, when executed, enables selection of said at least one show segment for distribution. (page 69, lines 3-7)

Claim 21 depends from claim 19 and further recites the feature of accessing a segment delimiter to enable selection of a show segment for distribution, said segment delimiter identifying and/or describing the content of said at least one selected show segment. (page 68, lines 24-30 and page 69, lines 13-17)

Claim 22 depends from claim 20 and further recites the feature of defining commands that, when executed, enable distribution of said selected one or more show segments over the Internet to said destination. (page 69, lines 18-23)

Claim 23 depends from claim 20 and further recites the feature of defining commands that, when executed, enable distribution of said selected at least one show segment to comply with the Internet Protocol defined in Internet Standard 5, RFC 791, for transport over said computer network (page 68, lines 18-23).

Claim 24 depends from claim 18 and further recites the feature of defining commands that, when executed, distributes media related to said at least one show segment to said destination. (page 69-lines 8-17)

Claim 25 depends from claim 18 and further recites the feature of distributing said at least one show segment over a wireless network to said destination. (page 68, lines 20-22)

Claim 26 recites a method for producing a live or live-to-tape show, comprising the steps of:

(a) creating an instruction sequence for the show to define at least one-set of production commands (page 15, lines 25-27), said at least one set of production commands comprising at least one segment file, comprising a group of production commands that, when executed, operates to produce a segment of the show (page 16, lines 9-11), said at least one segment file comprising at least one scripted portions that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script (page 58, lines 27-30 and pages 59-63), and at least one non-scripted portion that includes at least one commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator (page 10, lines 19-29);

(b) executing commands to associate at least one segment delimiter with at least one segment file, said segment delimiter identifying a segment produced from a corresponding segment file (Page 69, lines 2-7); and

(c) executing said one or more sets of production commands to thereby produce the show. (page 68, lines 24-30)

Claim 27 depends from claim 26 and further recites the feature of executing commands to distribute a show segment, upon production, to a destination (page 67, lines 22-28).

Claim 28 depends from claim 27 and further recites the feature of executing commands to distribute media related to said show segment to said destination (page 70, lines 17-25).

Claim 29 depends from claim 27 and further recites the feature of deploying a wireless interface to distribute said show segment to said destination. (page 68, lines 20-22)

Claim 30 depends from claim 27 and further recites the feature of receiving, from a destination, a request to distribute one or more show segments prior to said destination. (page 72, lines 16-23)

Claim 31 depends from claim 27 and further recites the feature of accessing a segment delimiter to enable selection of a show segment for distribution to a destination. (page 68, lines 24-30 and page 69, lines 1-7).

Claim 32 recites a method for producing a live or live-to-tape show, comprising the steps of:

(a) enabling creation of an instruction sequence for the show to define at least one set of production commands-comprising at least one segment file which comprises a group of production commands that, when executed, operates to produce a segment of the show (page 15, lines 25-27, page 16, lines 9-11, and page 36, lines 7-18), each segment file comprising at least one scripted portion that includes at least one command inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script (page 58, lines 27-30 and pages 59-63), and at least one non-scripted portions that includes at least one commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator (page 10, lines 19-29);

(b) executing said one or more sets of production commands to thereby produce the show (page 39 lines 26-30 and page 40, lines 1-3);

(c) executing commands to distribute a show segment and media related to said show segment to a destination (page 69, lines 8-17).

Claim 33 depends from claim 32 and further recites the feature of executing commands to distribute an advertisement to said destination. (page 70, lines 16-24)

Claim 34 depends from claim 32 and further recites the feature of executing commands to send media in response to a request for information related to said show segment. (page 71, lines 2-9)

Claim 35 depends from claim 32 and further recites the feature of executing commands to distribute said show segment at substantially the same time as producing said show segment. (page 71, lines 9-21)

VI. Grounds of Rejection for Review of Appeal

Claims 1-15, 18-21, and 24-31 stand Finally Rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent 6,198,906 to Gerard J. Boetje et al.

Claims 16-17, 22-23 and 32-35 stand Finally Rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,198,906 to Gerard J. Boetje et al.

Applicants respectfully traverse the rejections in view of the arguments below.

VII Arguments

1. The Boetje et al Patent

The Boetje et al patent relied upon by the examiner concerns a method and apparatus for enabling a programmer to schedule previously produced broadcast content according to relative sequential orderings. A programmer identifies the content, the desired time to play, and the manner of play. This information and the relationship therebetween undergo modeling to establish a structure that governs content scheduling. In particular, the model serves as the basis to control certain types of equipment, such as video tape recorders and satellite receivers, to provide content.

2. The examiner's arguments regarding claims 1-15, 18-21, and 24-31

In rejecting claims 1-15, 18-21 and 24-31 as anticipated by Boetje et al., the examiner contends that this reference teaches all of the features of applicants' claim invention, as recited in independent claims 1, 8, 10, 18 and 26. In particular, the examiner maintains that the Boetje et al. patent teaches applicants' feature of

enabling creation of an instruction sequence for the show, wherein said instruction sequence defines at least one set of production commands, said at least one- set of

production commands comprising at least one or more segment file, which comprises a group of production commands that, when executed, operates to produce a segment of the show, said at least one segment file comprising at least one scripted portion that includes at least one command inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portion that includes commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator.

With regard to applicants' claim feature of activating commands during a predetermined interval within a script that undergoes scrolling for display under control of an operator, the examiner points to Col. 6, lines 41-65, Col. 7, lines 11-13 Col. 10, lines 30-40, Col. 10, lines 30-40, Col. 30, lines 20-53 and FIG. 24a. As far as scrolling of the script for display under control of an operator, the examiner notes that Boetje et al. teaches a scrolling a teleprompting script at Col. 17, lines 3-7. Further, the examiner maintains that the Boetje et al. patent teaches operator control of the script at Col. 10, lines 30-55, Col. 31, lines 15-36 and elsewhere in their patent.

3. Applicants' response to the rejection of claims 1-15, 18-21 and 24-31

Applicants' respectfully disagree with the examiner's characterization of the Boetje et al. patent specifically with regard to activating commands at a particular interval during a script that undergoes scrolling for display under operator control. This claimed feature of applicants' claimed invention of relates to the transition macro events that control different production devices as depicted in Figures 10, 11, 16 and 19 of applicants' drawings. In particular, Figs. 16 and 19 provide an illustration of the scrolling of the script under operator control.

At best, the disclosure at Col. 6, lines 41-65 of Boetje et al. describes the desirability of defining a relationship between events and intervals having end points, but says nothing regarding **a script which undergoes scrolling for display under an operator command whereby the commands undergo activation during a predetermined interval within the script**. Likewise, the disclosure at Col. 7, lines 11-13 of Boetje et al. says nothing regarding a script that undergoes scrolling for display under operator control nor anything about commands activated at a predetermined interval during such a script. At best, the disclosure at Col. 7, lines 11-13 Boetje et al. of deals with insertion of commercials, but nothing regarding scrolling of the script.

The disclosure at Col. 10, lines 30-40 of Boetje et al. relied upon by the examiner concerns events that define the physical operation of a videotape recorder. In particular, the disclosure at Col. 10, lines 30-40 describes the relationship between the start and stop points of the video clip and the operation of the video tape recorder. Again, the Boetje et al. patent makes no mention of a scrolling script for display under control of an operator during which commands undergo execution at predefined intervals. The disclosure at Col. 30, lines 20-53 of Boetje et al. deals with insertion of a media file from one play list into another play list, as well as play out of content from different play lists. Like the other sections cited by the examiner, this cited portion of the Boetje et al. says nothing regarding scrolling of a script for display under operator control, nor activation of commands executed during scrolling of the script.

The examiner has also relied upon FIG. 24a as teaching a scrolling script for display under control of an operator during which commands undergo execution at predefined intervals. At best, FIG. 24a represents pseudo code for executing a play list. As discussed at Col. 34, lines 1-23 of the Boetje et al. patent, the pseudo code of FIG. 24a serves to implement a process whereby selected media undergoes playing via a schedule. As with the other cited portions of the Boetje et al. patent relied upon by the examiner, FIG. 24a provides no disclosure whatsoever concerning scrolling of a script under the control of an operator during which commands undergo execution at predefined intervals.

Applicants acknowledge that the disclosure at Col. 17, lines 3-7 of Boetje et al. that describes the control of a script that undergo display via a teleprompter. However, such a script, which scrolls on a teleprompter as alluded to by Boetje et al. does not have commands inserted therein for execution at predetermined intervals as recited in applicants claims 1, 8, 10, 16 and 26.

In short, none of the cited portions of the Boetje et al. patent relied upon by the examiner fail to disclose or otherwise suggests applicants' feature of "commands activated during a predetermined interval within a script that undergoes scrolling for display under control of an operator" recited in applicants claims 1, 8, 10, 16 and 26. For that reason, claims 1, 8, 10, 16 and 26 patentably distinguish over the Boetje et al. patent, warranting reversal of the 35 U.S.C. 102(e) rejection.

Claims 2-7 depend from claim 1, whereas claims claim 9 depends from claim 8. Claims 11-15 depend from claim 10, whereas claims 19-25 depend from claim 18. Claims 27-31 depend from claim 26. Each dependent claim incorporates the features of a corresponding one of independent claims 1, 8, 18, and 26, which each recite the feature of

commands activated during a predetermined interval within a script that undergoes scrolling for display under control of an operator." As discussed, the Boetje et al. patent does not teach or suggest this feature of applicants' invention, and therefore, dependent claims 2-7, 8, 11-15, 19-25 and 27-31 patentably distinguish over this reference for the same reasons as independent claims 1, 8, 10, 18 and 26, respectively. Applicants thus request reversal of the 35 U.S.C. 102(e) rejection of dependent claims 2-7, 8, 11-15, 19-25 and 27-31.

4. The examiner's rejection of claims 16-17, 22-23 and 32-35

Claims 16-17, 22-23 and 32-35 stand Finally Rejected under 35 U.S.C. 103(a) as obvious over the Boetje et al. patent. In this regard, the examiner contends that the Boetje et al. patent teaches all of the subject matter of claims 16, 17 and 32 with the exception of converting verbal instructions into instructions to create show segments. To supply this missing teaching, the examiner relies on U.S. Patent 6,185,538 issued in the name of Axel Schulz, suggesting it would have been obvious to combine the speech recognition taught by Schulz with the teachings of Boetje et al. patent, to yield applicants claimed invention.

As for claims 22 and 23, the examiner suggests it would have been obvious in view of the combination of the Boetje et al. patent, and U.S. Patent 6,038,573, issued in the name of David Michael Parks, to use the IP protocol to distribute news segments using the Internet Protocol (IP).

With regard to claim 33, the examiner contends that it would have been obvious from the Boetje et al. patent, to distribute advertisements.

Regarding claims 34 and 35, the examiner suggests that it would have been obvious in view of FIG 24 of Boetje et al. patent to execute commands to send media in response to a request for information (claim 34) and to execute commands to distribute commands at the same time as producing a show segment (claim 35).

5. Applicants' response to the rejection of claims 16-17, 22-23 and 32-35

Claims 16-17

Applicants' claims 16 and 17 recite a method and apparatus, respectively, for producing a show by converting verbal instructions, such as those from a video producer, into instructions **to instruct a processing unit to create an instruction sequence for the show..**

The instruction sequence defines at least one set of production commands that comprises at least one command inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script.

As discussed above with respect to the 35 U.S.C. 102(e) rejection of claims 1, 8, 10, 18, and 26, the Boetje et al. patent fails to teach or suggest the applicants' feature of activating at least one command for execution at a predetermined interval during a script that undergoes scrolling for display under control of an operator. Like the Boetje et al. patent, the Shulz '538 patent contains no such teaching regarding a command inserted into a script that undergoes scrolling for display under control of an operator. Therefore, the Boetje et al. and the Shulz '538 patents, in combination, fail to teach all of the features of claims 16 and 17.

Claims 16 and 17 patentably distinguish over the combination of the Boetje et al. patent and the Shulz '538 patent for another reason. As the examiner admits, the Boetje et al. patent contains no discussion regarding the desirability of speech recognition. To that end, the examiner relies on the Shulz '538 patent to suggest the desirability of translating the verbal instructions from the video producer into commands to create an instruction sequence to produce the show.

The Shulz '538 patent discloses the ability to perform speech recognition with respect to the audio portion of a story file for the purpose of displaying the speech on a screen to allow coordination of the audio portion with the associated video portion. (See Col. 1, lines 59-67, Col. lines 1-67 and Col. 3, lines 1-44.) It is important to note that **Shulz does not perform speech recognition for the purpose of translating verbal instructions from a video producer to create instructions to create an instruction sequence to produce the show**. Since neither the Boetje et al. patent nor the Shulz '538 fail to disclose converting verbal instructions into signals to create an instruction sequence to produce the show, the combination of these references would not teach all of the features of claims 16 and 17. Applicants respectfully request reversal of the 35 U.S.C. 103(a) rejection of these claims.

Claim 32

Applicants' claims 32 recites a method for producing a show by creating an instruction sequence that defines at least one set of production commands that comprises at least one command inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script. The commands undergo execution to produce the show for distribution.

In rejecting claim 32, the examiner's contends that the Boetje et al. patent teaches all of the features of claim 32 except for converting verbal instructions into instructions for to instruct a processing unit to create an instruction sequence for the show. Unlike claims 16 and 17, which contain the feature of speech recognition, claim 32 contains no such recitation. For this reason, the examiner appears to have improperly grouped claim 32 with claims 16 and 17. Rather, claim 32 recites a method for producing a show that includes the feature of executing commands to distribute a show segment and related media. As discussed above with regard to the 35 U.S.C. 102(e) rejections of claims 1, 8, 10, 18 and 26, the Boetje et al. patent does teach or disclose applicants feature of activating commands during a predetermined interval within a script that undergoes scrolling for display under control of an operator. The Shulz patent also does not teach activation of commands during a script that undergoes scrolling for display under control of an operator. Further, the examiner has not demonstrated that either the Boetje et al. patent or the Shulz patent, or their combination, teaches applicants' feature of executing commands to distribute the show segment and a related media segment to a distribution. Applicants respectfully request reversal of the 35 U.S.C. 103(a) rejection of claim 32.

Claim 33.

Applicants' claim 33 depends from claim 32 and further includes the feature of distributing advertisements. In rejecting claim 33, the examiner suggests that it would have been obvious from the Boetje et al. patent to distribute advertisements, especially in view of the recitation in the abstract of Boetje et al. regarding scheduling of commercial content.

As discussed above with regard to the 35 U.S.C. 103(a) rejection of claim 32, the Boetje et al. patent fails to teach applicants' feature of activating commands during a predetermined interval within a script that undergoes scrolling for display under control of an operator. Since claim 33 incorporates by reference all of the features of claim 32, claim 33 is likewise patentable over the Boetje et al. patent. Applicants respectfully request reversal of the 35 U.S.C. 103(a) rejection of claim 33.

Claim 34

Claim 34 depends from claim 32 and further includes the feature of executing commands to send media in response to a request for information related to the show segment. In rejecting claim 34, the examiner contends that the "Get" and "Meet" commands depicted in FIG. 24 of the Boetje et al. patent distribute media related to the show. (Note that FIGS. 24a and 24b both lack any mention of the "Meet" command referred to by the examiner.)

Assuming *arguendo* that the examiner is correct in his assertion regarding the effect achieved upon execution of the "Get" command by Boetje et al., the examiner has not made any reference to any disclosure in the Boetje et al. patent that the Get command undergoes **executed in response to a request for information related to a show segment**, as recited in claim 34. Thus, the examiner has not demonstrated that the Boetje et al. patent teaches or suggests all of the feature of claim 34, and for this reason alone, claim 34 patentably distinguishes over the Boetje et al. patent.

Claim 34 also patentably distinguishes over the Boetje et al. patent for the same reasons as advanced above for the patentability of claim 32. Applicants request reversal of the 35 U.S.C. 103(a) rejection of claim 32.

Claim 35

Claim 35 depends from claim 32 and incorporates the feature of executing commands to distribute the show at substantially the same time as producing the show. In rejecting claim 35, the examiner contends that the system of Boetje et al. distributes show segments at the same time a show production, as demonstrated by the pseudo code depicted in FIG. 24.

Applicants respectfully take issue with the examiner's premise in rejecting claim 35. As described at Col. 34, lines 6-23, of the Boetje et al. patent, FIG. 24 depicts pseudo code for playing a broadcast. In other words, the pseudo code depicted in FIG. 24, when executed, serves to retrieve stored segments. Neither FIG. 24, nor the accompanying discussion at Col. 34 of the Boetje et al. patent, contain and disclosure or suggestion of creating a script file containing transition macrocodes for storage to facilitate "on-demand" viewing as described at pages 68 and 69 of applicants' specification and as recited in claim 35. For this reason, claim 35 patentably distinguishes over the Boetje et al. patent.

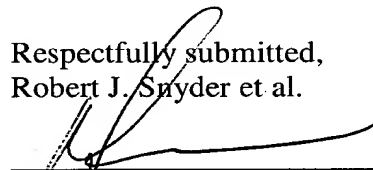
Claim 35, which depends from claim 32, also patentably distinguishes over the Boetje et al. patent for the same reasons as advanced above for the patentability of claim 32.

Applicants request reversal of the 35 U.S.C. 103(a) rejection of claim 32.

VIII. Conclusion

In summary, the Boetje et al. patent fails to teach or suggest applicants' feature of activating commands during a predetermined interval within a script that undergoes scrolling for display under control of an operator, as recited in independent claims 1, 8, 19, 16-18, 26 and 32, and the claims that depend therefrom. This feature of applicants' claimed invention also does not appear in either the Parks or Shulz patents either. Therefore, applicants' claims possess both novelty and non-obviousness over the art of record, whether taken alone or in any combination, warranting reversal of the examiner's rejections.

Respectfully submitted,
Robert J. Snyder et al.



By: Robert B. Levy, attorney
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing Inc.
2 Independence Boulevard - Suite 2
Princeton, New Jersey 08540
September 6, 2005

APPENDIX

Claim 1 A method for producing a live or live-to-tape show, comprising the steps of:

(a) enabling creation of an instruction sequence for the show, wherein said instruction sequence defines at least one set of production commands, said at least one set comprising at least one segment file which comprises a group of production commands that, when executed, operates to produce a segment of the show, said at least one-segment file comprising at least one scripted portion that includes at least one command inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portions that include at least one commands activated independent of the script, said at least one segment having a duration which is defined by execution of said instruction sequence under the control of a human operator; and

(b) executing said at least one set-of production commands to thereby produce the show.

Claim 2 A method of claim 1, further comprising the step of:

(c) executing said at least one command to add a segment file to a show file prior to executing a first production command within the group of production commands corresponding to said at least one segment file.

Claim 3 A method of claim 2, wherein a subsequent segment file is irreversibly appended to said show file prior to executing a first production command within the group of production commands corresponding to a preceding segment file.

Claim 4 A method of claim 3, wherein the group of production commands corresponding to the subsequent segment file includes instructions for transitioning from the preceding show segment to the subsequent show segment.

Claim 5 A method of claim 2, further comprising the step of:

(d) executing at least one command to store said show file in a memory means.

Claim 6 A method of claim 1, further comprising the steps of:

(c) executing at least one command to record a show segment for subsequent playback; and

(d) executing at least one command to integrate a segment delimiter for a recorded segment with a segment file, said segment delimiter identifying said recorded segment.

Claim 7 A method of claim 6, wherein said segment delimiter identifies a starting point of said recorded segment.

Claim 8 A method for producing a live or live-to-tape show, comprising the steps of:

(a) enabling creation of an instruction sequence for the show, wherein said instruction sequence defines at least one set of production commands, said at least one set of production commands comprising at least one or more segment file, which comprises a group of production commands that, when executed, operates to produce a segment of the show, said at least one segment file comprising at least one scripted portion that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portion that includes commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator;

(b) executing said at least one set of production commands to thereby produce the show;

(c) executing said at least one commands to add a segment file to a show file prior to executing a first production command within the group of production commands corresponding to said segment file.

Claim 9 A method of claim 8, wherein a subsequent segment file is irreversibly appended to said show file prior to executing a first production command within the group of production commands corresponding to a preceding segment file.

Claim 10 A system for producing a live or live-to-tape show, comprising:

a processing unit in communication with at least one production device;

generating means for enabling creation of an instruction sequence for the show,

wherein said instruction sequence defines at least one set of production commands, comprising at least one segment file, which comprises a group of production commands that, when executed, operates to produce a segment of the show, wherein said at least one segment

file comprises at least one scripted portions that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portions that includes at least one commands activated independent of the script, wherein the duration of each segment is defined by execution of said instruction sequence under the control of a human operator; and

executing means for executing said at least one set of production commands to thereby produce the show.

Claim 11 A system of claim 10, further comprising means for executing commands to add a segment file to a show file prior to executing a first production command within the group of production commands corresponding said segment file.

Claim 12 A system of claim 11, further comprising means for executing commands to irreversibly append a subsequent segment file to said show file prior to executing a first production command within the group of production commands corresponding to a preceding segment file.

Claim 13 A system of claim 11, further comprising memory means for enabling storage of said show file.

Claim 14 A system of claim 10, further comprising:

means for executing at least one command to record a show segment for subsequent playback; and

means for executing at least one commands to integrate a segment delimiter for a recorded segment with a segment file, wherein said segment delimiter identifies said recorded segment.

Claim 15 A system of claim 14 wherein said segment delimiter identifies a starting point of said recorded segment.

Claim 16 A method for producing a live or live-to-tape show, comprising the steps of:

(a) receiving verbal instructions and converting said verbal instructions into signals to enable creation of an instruction sequence for the show, wherein said instruction sequence defines at least one set of production commands, said at least one set of production commands comprising at least one segment file, comprising a group of production commands that, when executed, operates to produce a segment of the show, each segment file comprising at least one scripted portions that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portions that includes commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator; and

(b) executing said at least set of production commands to thereby produce the show.

Claim 17 A system for producing a live or live-to-tape show, comprising:

a processing unit in communication with at least one or more production devices;
means for receiving verbal instructions and converting said verbal instructions into signals to instruct said processing unit to create an instruction sequence for the show, wherein said instruction sequence defines at least one set of production commands, which comprises at least one segment file, comprising a group of production commands that, when executed, operates to produce a segment of the show, wherein said at least one segment file comprises at least one scripted portion that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portions that includes at least one commands activated independent of the script, wherein the duration of each segment is defined by execution of said instruction sequence under the control of a human operator; and
executing means for executing said at least one set of production commands to thereby produce the show.

Claim 18 A method for producing a live or live-to-tape show, comprising the steps of:

(a) creating an instruction sequence for the show to define at least one set of production commands, said at least one sets of production commands comprising at least one segment file, which comprises a group of production commands that, when executed, operates to produce a segment of the show, said at least one segment file comprising at least one scripted portions that includes commands inserted within a script that undergoes scrolling for

display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portions that includes at least one commands activated independent of script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator;

(b) executing said at least one-set of production commands to thereby produce the show; and

(c) distributing at least one show segment over a computer network to a destination.

Claim 19 The method of claim 18, further comprising the step of:

(d) receiving, from said destination, a request to distribute said at least one show segment prior to executing step (c).

Claim 20 The method of claim 19, further comprising the step of:

(e) defining a set of commands corresponding to said at least one segment that, when executed, enables selection of said at least one show segment for distribution.

Claim 21 The method of claim 20, further comprising the step of:

(f) accessing a segment delimiter to enable selection of a show segment for distribution, said segment delimiter identifying and/or describing the content of said at least one selected show segment.

Claim 22 The method of claim 20, further comprising the step of:

(f) defining commands that, when executed, enable distribution of said selected one or more show segments over the Internet to said destination.

Claim 23 The method of claim 20, further comprising the step of:

(f) defining commands that, when executed, enable distribution of said selected at least one show segment to comply with the Internet Protocol defined in Internet Standard 5, RFC 791, for transport over said computer network.

Claim 24 The method of claim 18, further comprising the step of:

(d) defining commands that, when executed, distributes media related to said at least one show segment to said destination.

Claim 25 The method of claim 18, further comprising the step of:

(d) distributing said at least one show segment over a wireless network to said destination.

Claim 26 A method for producing a live or live-to-tape show, comprising the steps of:

(a) creating an instruction sequence for the show to define at least one-set of production commands, said at least one set of production commands comprising at least one segment files, comprising a group of production commands that, when executed, operates to produce a segment of the show, said at least one segment file comprising at least one scripted portions that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portion that includes at least one commands activated independent of the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator;

(b) executing commands to associate at least one segment delimiter with at least one segment file, said segment delimiter identifying a segment produced from a corresponding segment file; and

(c) executing said one or more sets of production commands to thereby produce the show.

Claim 27 The method of claim 26, further comprising the step of:

(d) executing commands to distribute a show segment, upon production, to a destination.

Claim 28 The method of claim 27, wherein step (d) comprises the step of:

(1) executing commands to distribute media related to said show segment to said destination.

Claim 29 The method of claim 27, wherein step (d) comprises the step of:

(1) deploying a wireless interface to distribute said show segment to said destination.

Claim 30 The method of claim 26, further comprising the step of:

(d) receiving, from a destination, a request to distribute one or more show segments prior to said destination.

Claim 31 The method of claim 26, further comprising the step of:

(d) accessing a segment delimiter to enable selection of a show segment for distribution to a destination.

Claim 32 A method for producing a live or live-to-tape show, comprising the steps of:

(a) enabling creation of an instruction sequence for the show to define at least one set of production commands-comprising at least one segment file which comprises a group of production commands that, when executed, operates to produce a segment of the show, each segment file comprising at least one scripted portion that includes at least one commands inserted within a script that undergoes scrolling for display under control of an operator, for execution at a predetermined interval during the script, and at least one non-scripted portions that includes at least one commands activated independent of, the script, each segment having a duration which is defined by execution of said instruction sequence under the control of a human operator;

(b) executing said one or more sets of production commands to thereby produce the show;

(c) executing commands to distribute a show segment and media related to said show segment to a destination.

Claim 33 The method of claim 32, further comprising the step of:

(d) executing commands to distribute an advertisement to said destination.

Claim 34 The method of claim 32, further comprising the step of:

(d) executing commands to send media in response to a request for information related to said show segment.

Claim 35 The method of claim 32, wherein step (c) comprises the step of:

(1) executing commands to distribute said show segment at substantially the same time as producing said show segment.